Per G.S.Singhvi, C.J.

In this petition, the petitioner has prayed for issue of a mandamus to respondent Nos.1 and 3 to take the custody of playground and recreation club situated at Mellepally, Asifnagar Mandal, Hyderabad from the possession of respondent No.4, Dr.M.B.Abbasi and stop the religious activities allegedly undertaken by him. He has further prayed for issue of a direction to respondent No.3 to conduct the elections of the Anjuman Co-operative Housing Society.

The aforementioned prayer of the petitioner is founded on the following assertions:

i) that he is a resident of the area known as Anjuman Grounds, which comprises of 30 'A' Class houses constructed by Co-operative Housing Society, Moazampura-1, Mallepally (hereinafter referred to as 'the society'), which was established in 1931;

ii) that the houses were constructed by the society as per the plans approved by the local government;

iii) that Ac.1.00 of land was left for recreation club and welfare association;

iv) that the association made construction over 300 square yards and rest of the area was left open for sports activities for residents and children;

v) that respondent No.4, who has good relations with the local political parties, made an attempt to sell the

open space to private parties, but his action was thwarted by the residents of the society;

vi) that now respondent No.4 is trying to convert the playground in the name of Masjid-e-Anjuman;

vii) that some persons started prayers in the open space o n 15th December, 2006, but they were prevented from doing so by the residents of the area, and

viii) that from 23rd December, 2006, respondent No.4 has been distributing pamphlets asking the people to perform namaz in the recreation club despite the fact that there exists Moazampura Jame-e-Masjid within 100 meters from the recreation club.

We have heard Sri G.Udaya Bhaskara Rao, learned counsel for the petitioner. In our opinion, the writ petition is liable to be dismissed summarily because except placing on record copy of representation dated 26-12-2006 made by him to Mandal Revenue Officer, Asifnagar Mandal, Vijay Nagar Colony, Hyderabad (respondent No.3) and the pamphlets allegedly got circulated by respondent No.4, the petitioner has not produced any tangible evidence to prima facie substantiate the assertions contained in his affidavit regarding the attempted sale of the open space by respondent No.4 and his instigation to the members of a community to perform prayers at the site. It appears to us that the petitioner has invoked the jurisdiction of the High Court under Article 226 of the Constitution for settling his personal scores with

respondent No.4 and not for espousing any public cause.

We are further of the view that adjudication of the prayer made by the petitioner would necessarily involve investigation into contentious issues of fact, which can appropriately be decided by the civil court.

The petitioner's prayer for issue of a direction to the Registrar of Co-operative Societies to hold elections to Anjuman Co-operative Housing Society is liable to be rejected because the writ petition is conspicuously silent about the time when the elections were last held and the term of the elected body. Not only this, the petitioner has not impleaded Anjuman Co-operative Housing Society and its managing committee as party respondents so as to enable them to contest this part of the prayer.

For the reasons above stated, the writ petition is dismissed. However, liberty is given to the petitioner to avail remedy by filing civil suit.

As a sequel to dismissal of the writ petition, WPMP.No.316 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, C.J.

4th January, 2007.

C.V.NAGARJUNA REDDY,J.

ARS